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Paper: Response to Notice to Comply (in duplicate); Copy of Notice to Comply; Amendment; Statement to Support Filing and Submission in Accordance With 37 CFR §1.821-1.825; Paper and Disk copy of substitute Sequence Listing; Certificate of Express Mailing via express label no. EV156351028US.

Applicant(s): Van Eyk et al.  
Serial No.: 09/419,901  
Filed: October 18, 1999  
Docket No.: PTQ-0028  
Date Sent: August 14, 2002

EV156351028US

APPLICANTS: Van Eyk, et al.  
TITLE: Methods of Diagnosing Muscle Damage  
RECORDING DATE: August 13, 2002  
OPERATING SYSTEM: Windows  
DOCKET NO: PTQ-0028  
SERIAL NO: 09/419,901  
FILING DATE: October 18, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028  
Inventors: Van Eyk et al.  
Serial No.: 09/419,901  
Filing Date: October 18, 1999  
Examiner: Cook, Lisa V.  
Group Art Unit: 1641  
Title: Methods of Diagnosing Muscle Damage

"Express Mail" Label No. EV 156351028 US  
Date of Deposit - August 14, 2002

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327 Arlington, VA 22202

By Kathleen A. Tyrrell  
Typed Name: Kathleen A. Tyrrell

Assistant Commissioner for Patents  
**BOX Sequence**  
United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

RESPONSE TO NOTICE TO COMPLY

In response to the "Notice to Comply" dated July 30, 2002, a response to which is due **August 30, 2002**, enclosed herewith is:

(XX) Amendment under 1.825;

(XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;

(XX) Substitute pages of the Sequence Listing;

(XX) Substitute copy of the computer readable form of  
Sequence Listing;

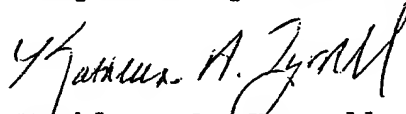
(XX) Copy of Notice to Comply;

( ) Petition for One (1) Month Extension of Time;

( ) Other:\_\_\_\_\_.

The Commissioner is hereby authorized to charge any  
underpayment associated with this communication or credit any  
overpayment to Deposit Account No. 50-1619. This sheet is attached  
in duplicate.

Respectfully submitted,



Kathleen A. Tyrrell  
Registration No. 38,350

Date: August 14, 2002

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515

<b>Notice to Comply</b>	<b>Application No.</b> 09/419,901	<b>Applicant(s)</b> Van Eyk et al.	
	<b>Examiner</b> Lisa V. Daniels-Cook	<b>Art Unit</b> 1641	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: The paper copy and the computer readable form of the Sequence listing do not comply with the sequence rules.

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028  
Inventors: Van Eyk et al.  
Serial No.: 09/419,901  
Filing Date: October 18, 1999  
Examiner: Cook, Lisa V.  
Group Art Unit: 1641  
Title: Methods of Diagnosing Muscle Damage

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By   
Typed Name: Kathleen A. Tyrell

Assistant Commissioner for Patents  
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United States Patent and Trademark Office  
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Arlington, VA 22202

Dear Sir:

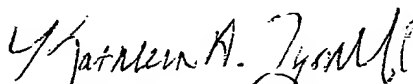
**AMENDMENT**

In response to the "Notice to Comply" dated July 30, 2002, a response to which is due August 30, 2002, it is requested that the current Sequence Listing in the above-referenced patent application be deleted and replaced with the new Sequence Listing provided herewith.

A paper copy and CRF copy of the new Sequence Listing are provided herewith.

This new Sequence Listing contains identical data to that provided in the prior Sequence Listing but has been amended to delete miscellaneous characters following SEQ ID NO:7. Accordingly, no new matter has been added by this amendment and entry is respectfully requested.

Respectfully submitted,



Kathleen A. Tyrrell  
Registration No. 38,350

Date: August 14, 2002

LICATA & TYRRELL P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028  
Inventors: Van Eyk et al.  
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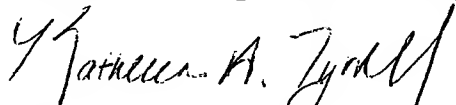
Dear Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE  
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- ( ) I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- ( ) I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.

- ( ) I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.
- (XX) I hereby state that any amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing were made to remove miscellaneous characters following SEQ ID NO:7. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- (XX) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing submitted herewith.
- ( ) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), contains identical data to that originally filed.

Respectfully submitted,



Kathleen A. Tyrrell  
Registration No. 38,350

Date: August 14, 2002

Licata & Tyrrell P.C.  
66 E. Main Street  
Marlton, New Jersey 08053

(856) 810-1515

# SEQUENCE LISTING

<110> Van Eyk, Jennifer E  
Labugger, Ralf  
Neverova, Irena

<120> Methods of Diagnosing Muscle Damage

<130> 1997-023-04U

<140> 09/419,901

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